

IC 23-14-59

Chapter 59. Potential Liability of Cemetery Owner

IC 23-14-59-1

Immunity from liability

23-14-59-1 Sec. 1. A cemetery owner or anyone acting on behalf of a cemetery owner is not liable in any action for:

- (1) a burial, entombment, or inurnment in the wrong lot, grave, grave space, burial space, crypt, crypt space, or niche;
- (2) a disinterment, disentombment, or disinurnment of the wrong deceased remains;
- (3) a repositioning of the remains of a deceased that encroach upon an adjacent lot, space, grave, grave space, or burial space;
- (4) setting or installing a marker, monument, any type of memorial, or an outer burial container on the wrong lot, space, grave, grave space, or burial space; or
- (5) installing any kind of foundation or other type of base for a marker, monument, or any type of memorial on the wrong lot or burial space.

As added by P.L.52-1997, SEC.33.

IC 23-14-59-2

Duties of owner upon wrongful burial

23-14-59-2 Sec. 2. When a wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment referred to in section 1(1), 1(2), 1(4), or 1(5) of this chapter occurs, the cemetery owner shall:

- (1) at the expense of the cemetery owner, correct the wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment as soon as practical after becoming aware of the error; and
- (2) notify:
 - (A) the spouse, if living, of the deceased person whose remains were wrongfully buried, entombed, inurned, disinterred, disentombed, or disinurned, or whose outer burial container was wrongfully placed;
 - (B) the parents, if living, of a deceased minor child whose remains were wrongfully buried, entombed, inurned, disinterred, disentombed, or disinurned, or whose outer burial container was wrongfully placed;
 - (C) the person or persons whose marker, monument, memorial, foundation, or base was wrongfully placed; or
 - (D) the person or persons who authorized the original burial, entombment, inurnment, disinterment, disentombment, or disinurnment;of the occurrence.

As added by P.L.52-1997, SEC.33.

IC 23-14-59-3

Errors caused by improper description

23-14-59-3 Sec. 3. A cemetery owner or anyone acting on behalf of a cemetery owner is not liable in any action for any error made by placing an improper description, including an incorrect name or date, on:

- (1) a marker;
- (2) a monument;
- (3) any type of memorial; or
- (4) the container for cremated remains.

As added by P.L.52-1997, SEC.33.